

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AMOS HASON,) Case No. CV 11-5382-SVW (JPR)
Plaintiff,)
vs.) ORDER ACCEPTING FINDINGS AND
COUNTY OF LOS ANGELES et) RECOMMENDATIONS OF U.S.
al.,) MAGISTRATE JUDGE
Defendants.)

The Court has reviewed the Third Amended Complaint, records on file, and Report and Recommendation of the U.S. Magistrate Judge. See 28 U.S.C. § 636. On March 17 and April 7, 2014, Plaintiff filed objections to the R&R. Plaintiff mainly repeats arguments made in the TAC, but he also states that he never received a copy of Defendant Los Angeles County's motion for summary judgment and for that reason alone never filed opposition to it. On April 14, 2014, the County filed a reply to Plaintiff's objections.

Even assuming Plaintiff never received the County's motion for summary judgment, as he claims, the Court clearly notified him on October 21, 2013, that a motion for summary judgment and a motion for terminating sanctions had been filed and advised him of his obligations in opposing them. (See Oct. 21, 2013 Order

1 Requiring Resp. to Defs.' Mots. for Summ. J. and for Terminating
2 Sanctions; Notice to Pl. of the Requirements of Fed. R. of Civ.
3 P. 56 and Local R. 56 at 1 ("On October 11, 2013, Defendant Los
4 Angeles County filed a Motion for Summary Judgment."), 2-3
5 (notifying Plaintiff that "[a] motion for summary judgment under
6 Federal Rule 56 will, if granted, end your case" and advising him
7 of his obligations in opposing it).) As noted in the R&R (R&R at
8 6-7 n.3), Plaintiff acknowledged receiving that order (see Nov.
9 8, 2013 Opp'n to Defs.' Joint Mot. Terminating Sanctions at 1
10 ("On November 1, 2013[,] a court order to answer [motion for
11 terminating sanctions], accompanied by instructions how to
12 present the opposition, was received by Plaintiff"). He
13 nonetheless responded only to the motion for terminating
14 sanctions and not the County's motion for summary judgment.
15 (See id.) Nor did he at that time inform the Court that he had
16 not received the summary judgment motion.

17 After issuing the R&R on March 4, 2014, moreover, the Court
18 provided Plaintiff with several opportunities to file additional
19 evidence and argument in opposition to the motion for summary
20 judgment. On March 18, 2014, after Plaintiff filed his initial
21 objections to the R&R, the Court noted that the evidence showed
22 that Plaintiff had been aware of the motion for summary judgment
23 (citing R&R at 6-7 n.3) but nonetheless granted him 20 days to
24 file additional objections to the R&R and to "make any additional
25 arguments in opposition to the motion." (Mar. 18, 2014 Order.)
26 On May 6, 2014, after Plaintiff filed his second set of
27 objections, the Court gave him an additional 21 days "to submit
28 any additional evidence or argument he may have in opposition to

1 the summary judgment motion and the Court's R&R." (May 6, 2014
2 Order.) The Court warned Plaintiff that if he did not do so, the
3 R&R would be forwarded to the District Judge. (Id.) On May 19,
4 2014, Plaintiff notified the Court that he was "incarcerated
5 again" and provided his address at the jail. On May 27, 2014,
6 the Court ordered that its May 6 order be re-served on Plaintiff
7 at his new address and that "[t]he time limits in the May 6
8 minute order will now run from the date of this minute order."
9 (May 27, 2014 Order.) Other than his two sets of objections,
10 which the Court has fully considered, Plaintiff has not filed any
11 additional argument or evidence in opposition to the motion for
12 summary judgment or the R&R.

13 In any event, the R&R does not recommended granting the
14 County's motion for summary judgment based on Plaintiff's failure
15 to oppose it; rather, it discusses Plaintiff's statement of
16 disputed issues, draws all reasonable inferences in Plaintiff's
17 favor, and recommends disposing of the motion on its merits.
18 (See, e.g., R&R at 14-19.) The Court therefore accepts the
19 findings and recommendations of the Magistrate Judge.

20 IT THEREFORE IS ORDERED that Defendant Los Angeles County's
21 motion for summary judgment is GRANTED and the one remaining
22 claim against it is DISMISSED.

23 DATED: 7/7/14

24 
25 STEPHEN V. WILSON
U.S. DISTRICT JUDGE

26
27
28